

Approved: Meeting No. 06-14

Attest:

Bridget Donnell Newton
Douglas A. Barber

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND

January 6, 2014
Meeting No. 01-14
7:00 p.m.

Present:

Mayor Bridget Donnell Newton, Councilmember Tom Moore, Councilmember Virginia Onley, and Councilmember Julie Palakovich Carr.

Absent:

Councilmember Beryl L. Feinberg.

Staff Present:

City Manager Barbara Matthews, City Clerk/Treasurer Doug Barber, and City Attorney Debra Daniel.

1. Convene

The Mayor and Council convened in a regular meeting at 7:03 p.m. on Monday, January 6, 2014, in the Mayor and Council Chambers, City Hall, 111 Maryland Avenue, Rockville, Maryland.

2. Pledge of Allegiance

Mayor Newton led the Pledge of Allegiance.

3. Agenda Review

City Clerk Barber noted the revisions to the agenda as follows: Agenda Item # 9C (Approval – Amendment to Personnel Policies and Procedures Manual, PPP # 120-00, Policy on Leave (Sick Leave) and PPP #130-00, Procedures on Retirement – Regular Employees (Sick Leave conversion) item was provided and posted after the initial agenda was posted.

Councilmember Onley requested that the Mayor and Council be provided additional time to review Agenda Item # 9C. Upon consensus by the Mayor and Council the item will be placed on the Mayor and Council meeting agenda for January 13, 2014.

4. City Manager's Report

City Manager Matthews reported on the following:

- The 2013 Holiday Drive provided 530 Rockville households with a Thanksgiving basket and more than 100 Seniors were treated to a Thanksgiving Dinner. In December, the Drive provided 572 children with new toys and another 323 with gift cards. Ms. Matthews thanked the Community Services staff and all the donors for their support.
- The City's Annual Coat Drive is underway and accepting donations through Thursday, January 9, 2014.
- The Glenview Art Gallery is soliciting entries for the 2015 shows. For more information, go to the City's website www.rockvillemd.gov by searching "call for entries," or by contacting Julie Farrell at 240-314-8682.
- The 18th annual Maryland State Police Polar Bear Plunge that benefits Special Olympics Maryland will take place on Saturday, January 25, 2014, at Sandy Point State Park.
- The RainScapes Rewards Program reimburses residents for undertaking activities that aid in stormwater management. As authorized by the Mayor and Council, the program has been expanded effective this month so that residents can now earn rebates for soil improvement and for removing impervious surfaces. For more information visit www.rockvillemd.gov/rainscapes.

5. Appointments/Reappointments and Announcements of Vacancies

Mayor Newton announced that there are vacancies on the following Boards and/or Commissions: Cultural Arts Commission, Historic District Commission, Recreation and Parks Foundation, Inc., Rockville Housing Enterprises, Traffic and Transportation Commission, Environment Commission, Human Rights Commission, Human Services Advisory Commission, Landlord Tenant Affairs Commission, Senior Citizens Commission, Recreation and Parks Advisory Board, Personnel Appeals Board, Rockville Economic Development, Inc., and the Ethics Commission.

6. Community Forum (formerly known as Citizen's Forum)

<i>Citizen</i>	<i>Issue</i>
Arthur Katz	Traffic problem at Falls Road/Maryland Avenue interchange at I-270
Cheryl Moss Herman, MCCPTA Coordinator, Richard Montgomery Cluster	Support for school construction in Rockville
Jan Wilson	Zoning Text Amendment – TXT2014-00236

7. Mayor and Council's Response to Citizen's Forum and Announcements

Councilmember Moore addressed Ms. Herman regarding proposed capacity changes now being proposed for Richard Montgomery Elementary School (RMES) # 5 compared to the original plan. Ms. Herman advised that the rate of growth of students has gone down in recent years. Ms. Herman noted that as they move through the planning process, the capacity issue will be monitored.

Mayor Newton and Councilmember Moore thanked Mr. Katz for sharing his concerns regarding the Falls Road interchange at Maryland Avenue.

8. Mayor and Council Reports

Councilmember Palakovich Carr noted that she and Councilmember Onley attended the re-opening of the David Scull Community Center on Saturday, December 21, 2013.

9. Consent Agenda

- A. Award of Rider Contract to American Tennis, Inc. As-Required Renovation of Tennis and Basketball Courts in the Not-to-Exceed Amount of \$117,000 for FY 14 and \$224,000 for FY15.

Motion: to approve (consent agenda item # 9A) award of a one-year rider contract to American Tennis Courts, Inc. of Baltimore, Maryland in accordance with Baltimore County Contract # B-349, with the option to extend the contract for one additional year subject to the appropriation of funds by the Mayor and Council in the not-to-exceed amount of \$117,000 for FY 2014 and \$224,000 for FY 2015.

Moved by Councilmember Moore, seconded by Councilmember Palakovich Carr, and passed unanimously.

- B. Approval of Minutes

The minutes of Meeting No. 33-13 (November 18, 2013) were presented for approval:

Motion: to approve (consent agenda item #9B) Meeting No. 33-13 (November 18, 2013) meeting minutes.

Moved by Councilmember Palakovich Carr, seconded by Councilmember Onley, and passed unanimously.

10. Discussion – 2014 State Legislative Preview with District 17

Delegates Kumar Barve, Jim Gilchrist, and Luiz Simmons, along with Senator Jennie Forehand, addressed the Mayor and Council and provided an in-depth recap of events over the past legislative session. They also previewed the upcoming legislative session.

Delegate Kumar provided a brief overview of the last eight years, noting that the focus has been on the funding of education and transportation. Delegate Kumar thanked City staff members

Linda Moran, Assistant to the City Manager, and Marylou Berg, Communications Manager, for their work representing Rockville and assisting the Delegation.

Delegate Gilchrist addressed the Mayor and Council, noting the following City of Rockville's priorities:

- Stormwater Management
- School Construction
- Speed Cameras
- Communications Tax Reform
- Bond Bills

Delegate Gilchrist highlighted the City's initiatives and how the issues were addressed during the last legislative session and also how the initiatives will be addressed in the forthcoming legislative session.

Delegate Simmons addressed the Mayor and Council regarding the public safety issue of gun control. Delegate Simmons also advised the Mayor and Council of an upcoming taskforce report regarding creating apprenticeships for high school students who do not want to attend college.

Senator Forehand addressed the Mayor and Council regarding proposed bond bills, with positive feedback on the proposed Rockville Science Center. She would like to see the project move forward. Senator Forehand noted the need for the City of Rockville's continued advocacy in Annapolis, along with continued partnership with local jurisdictions. Senator Forehand closed by noting her intention to submit a Bill to address raising the smoking age to twenty-one.

The delegation responded to questions raised by the Mayor and Council on the following points:

- Raising the Minimum Wage
- Environmental Issues
- Highway User Funds
- School Construction

The Mayor and Council thanked Delegates Kumar Barve, Jim Gilchrist, and Luis Simmons, along with Senator Jennie Forehand, for their service to the City of Rockville, and City residents.

11. Discussion and Instructions to Staff for Zoning Text Amendment TXT2014-00236, Making Certain Technical and Clarifying Revisions to the Zoning Ordinance (Chapter 25); Mayor and Council of Rockville, Applicants

Deane Mellander, Zoning Administrator, provided the staff report. Mr. Mellander advised that the proposed text amendment makes certain technical and clarifying revisions throughout the Zoning Ordinance (Chapter 25). A public hearing was held on Monday, December 9, 2013, with only one speaker, Bob Dalrymple of Linowes and Blocher. Mr. Dalrymple spoke in support of the proposal to add a new parking standard for self-storage warehouse facilities.

Mr. Mellander advised the Mayor and Council that the proposed self-storage warehouse parking revision is beyond the scope of this text amendment, and therefore is not included as a part of the proposed text amendment.

Mr. Mellander noted that the proposed language in the text amendment is intended to state the permitted location for the units (emergency generators) on the lot and how much they can encroach into the required side or rear setback. The current code is silent on these matters. The proposed text amendment would codify current practice which regulates generators the same as air conditioners and heat pumps. The text addresses generators that are permanently installed, not portable generators. Mr. Mellander noted that his research indicates that almost all models of emergency generators exceed the County's noise ordinance for nighttime operation.

Mr. Mellander proposed adding the following language to Section 25.09.05 – Setback Encroachments under (a) after the first sentence: Emergency Generator Regulation to include the following: Emergency generators must be within an enclosure.

The Mayor and Council had an in-depth discussion regarding the proposed revision regarding emergency generators, with the following key points addressed:

- Location: (Side/Rear Yard)
- Noise Regulations
- Required Enclosures for Emergency Generators

Community Planning Development Services Director Susan Swift and Mr. Mellander responded to questions of clarification regarding the proposed requirement for enclosures for the emergency generators.

The Mayor and Council requested that staff bring back the proposed ordinance reflecting the input provided by the Mayor and Council at the meeting. The Mayor and Council also requested additional research from other jurisdictions, along with detailed specifics as to the sound requirements and placement of emergency generators, for the Mayor and Council to review and discuss at a future meeting

12. Discussion and Instructions – Proposed Location Change for Rockville Independence Day Celebration

Colleen McQuitty, Special Events Manager, provided the staff report. Ms. McQuitty provided a brief history of the Rockville Independence Day Celebration. Ms. McQuitty noted the current location for the event is Montgomery College. Due to planned construction at the College and other factors, the staff has concerns about the locations viability as a fireworks site in the future.

The staff analyzed several sites in Rockville as possible alternative locations for the fireworks launch. Many of the sites analyzed by the staff have insufficient space to launch fireworks, offer limited parking, or present overall logistical challenges. Ms. McQuitty noted that based on the analysis, staff concluded that RedGate Golf Course is the best option for an alternative launch site.

Ms. McQuitty outlined the proposed changes to the Rockville Independence Day Celebration, if the location for the firework launch would take place at the RedGate Golf Course in 2014. Ms. McQuitty responded to the comments and concerns provided by the Mayor and Council regarding the proposed plans to change the location of the Rockville Independence Day Celebration.

The Mayor and Council discussed at length the potential option of going back to Richard Montgomery High School for the event. Ms. McQuitty noted potential safety concerns at the site. Upon consensus of the Mayor and Council, Acting Director of Recreation and Parks, Chris Henry and Ms. McQuitty will follow-up and provide the Mayor and Council additional information that will give them with a more detailed cost analysis for all options presented. This allows for the Mayor and Council to have a clear picture of all the potential locations and related costs for each location. The Mayor and Council expressed their support for the event and want to see it continue.

13. Discussion on Residential Accessory Buildings and Structures

Zoning Administrator Deane Mellander provided the staff report. Mr. Mellander provided background on the reasons for the recommended revisions to accessory building regulations in the code.

Mr. Mellander responded to questions regarding the following key points addressed during the discussion:

- Requirements for Detached Structures
- Lot Coverage Requirements
- Multiple Accessory Buildings
- Current Regulations
- Prior Regulations (prior to 2005)

The Mayor and Council discussed at length. Mayor Newton noted that she would like to see staff provide additional clarification for the regulations and have the requirements for accessory structure be based on lot size. Councilmember Moore and Councilmember Palakovich Carr noted their support for the current regulations. Councilmember Moore noted he would like to get input from Councilmember Feinberg, who was not in attendance, on the issue.

14. Review and Comment Regarding Mayor and Council Action Report

Mayor Newton requested that the Montgomery County Department of General Services Community Meeting (scheduled for Wednesday, January 15, 2014, at 7:00 p.m. at City Hall) regarding the proposal for the Children's Resource Center be publicized on the City's website, and advisory notices be sent to the community.

Mayor Newton noted the Action Item regarding the traffic and safety on Maryland Avenue at the intersections of Great Falls Road and Potomac Valley Road, and requested that information on the accidents at those intersections be provided to the Mayor and Council.

15. Review and Comment Regarding Future Agendas

Mayor Newton advised that a Closed Session is tentatively scheduled to be added to the Monday, January 13, 2014, meeting. City Attorney Daniel stated that the reason for the closed session would be to obtain legal advice regarding "Engage Rockville" which is agenda item #11 on the January 13, 2014 agenda.

16. Old/New Business

There were no comments.

17. Adjournment

There being no further business, the meeting adjourned at 9:55 p.m.

Motion: to adjourn.

Moved by Councilmember Moore, seconded by Councilmember Palakovich Carr, and passed unanimously.